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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAR 25 1996

FEDERAL COMMUNICATIONS COMMISSION

In the Matter of)
)
Amendment of the Commission's Rules) WT Docket No. 96-6
To Permit Flexible Service Offerings)
in the Commercial Mobile Radio Services)

To: The Commission

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REPLY COMMENTS

Pursuant to Section 1.415 of the Commission's Rules,¹ the Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association ("TIA"),² hereby replies to the Comments filed by WinStar Communications, Inc. ("WinStar") in the above-captioned Notice of Proposed Rule Making ("CMRS Flexibility NPRM").³ In the CMRS Flexibility NPRM, the Commission proposes allowing all broadband Commercial Mobile Radio Service ("CMRS") licensees to

¹47 C.F.R. Section 1.415 (1996).

²TIA is the principal industry association representing fixed point-to-point microwave radio manufacturers. TIA members serve, among others, companies, including telephone carriers, utilities, railroads, state and local governments, and cellular carriers, licensed by the Commission to use private and common carrier bands for provision of important and essential telecommunications services. TIA has completed its June 1994 "Telecommunications Systems Bulletin No. 10-F, Interference Criteria for Microwave Systems" ("Bulletin 10-F"), which prescribes standards for implementing the new channel plan for the bands above 3 GHz and for establishing criteria regarding 2 GHz band PCS-to-microwave interference protection. As part of its ongoing standard-setting process, TIA is updating Bulletin 10-F, and Bulletin 10-G is in draft. Furthermore, TIA, along with the National Spectrum Managers Association, was responsible for most of the technical rule proposals recently adopted by the Commission in its consolidation of Parts 21 and 94 into new Part 101. See Reorganization and Revision of Parts 1, 2, 21, and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services, Report and Order WT Dkt. No. 94-148 (FCC 96-51, released Feb. 29, 1996) ("Part 101 Order").

³The deadline for filing reply comments on the CMRS Flexibility NPRM was extended to March 25, 1996. Order, DA 96-225 (released February 22, 1996).

provide fixed wireless local services without restriction.⁴ It also inquires if CMRS provision of other fixed services should be permitted under similar conditions.⁵

TIA herein expresses its concern with, and opposition to, WinStar's Comments in this proceeding concerning provision of fixed wireless services in the 37-40 GHz band.⁶ While WinStar "enthusiastically supports the concepts and ideas underlying" the CMRS Flexibility NPRM, it recommends that they "also be utilized in the FCC's ongoing rulemaking concerning the 37-40 GHz band."⁷ WinStar believes that "flexible use should be given not only to CMRS licensees, but also to 37-40 GHz band licensees such as WinStar."⁸

In the 37-40 GHz NPRM, the Commission proposes amending its rules so that fixed point-to-point microwave service ("FS") licensees could use the 37.0-38.6 GHz band ("37 GHz band") and the 38.6-40.0 GHz band ("39 GHz band"). The 37-40 GHz band already is allocated to FS on a co-primary basis for Government and non-Government operations. The Commission, in the 37-40 GHz NPRM, proposes channelization, licensing and technical rules so that it is available for FS operations. These operations would provide communications infrastructure backbone support for licensees, including PCS providers and Competitive Access Providers.

TIA responded to the 37-40 GHz NPRM by supporting the Commission's proposals, provided it made certain revisions, including:

⁴CMRS Flexibility NPRM at ¶23.

⁵CMRS Flexibility NPRM at ¶14.

⁶WinStar at 1.

⁷WinStar at 1. The "ongoing rulemaking" referenced is In the Matter of Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands, FCC 95-500, Notice of Proposed Rule Making and Order, ET Docket No. 95-183, RM-8553 (released Dec. 15, 1995) ("37-40 GHz NPRM").

⁸WinStar at 3.

- Minimum technical rules must be adopted to increase licensee flexibility and decrease equipment costs.
- Mobile users must be prohibited from using the 37-40 GHz band due to the significant threat of interference to fixed operations. Initial channelization in the 37-40 GHz band must be limited to point-to-point microwave users. Applicable technical rules for point-to-multipoint users must be developed after adoption of the 37-40 GHz band rules.⁹

The problem with WinStar's proposal to permit flexible use of the 37-40 GHz band is that it would allow two completely different technologies to use the same band. Such sharing would destroy the integrity of FS operations and would impede development of the wireless technologies depending upon this band as a platform for their services.

Permitting unlimited flexibility in the 37-40 GHz band, including authorization of mobile services, would be incompatible with FS operations. By its nature, FS permit extensive sharing among users, thereby maximizing efficient use of the spectrum. Once mobile operations are superimposed, sharing of the 37-40 GHz band between the two services becomes unrealistic.

In its Comments on the 37-40 GHz Band NPRM, TIA strongly opposed permitting mobile users to operate in the 37-40 GHz band. Such entry would destroy this band for FS users:

Mobile and fixed users are like oil and water. Significant differences in operating characteristics would have to be resolved, which is particularly difficult because of the problems fixed systems have coordinating with mobile systems. The potential for interference is too significant. Indeed, FS users already have surrendered the 2 GHz band for mobile PCS users.

* * * * *

TIA strongly objects to permitting mobile users to share this band with FS users because: (i) mobile receiver selectivity characteristics are unacceptable; (ii) coordination is quite difficult between fixed stations and mobile facilities; and (iii) international spectrum harmony would be disrupted (i.e., in Europe, this band

⁹Comments of TIA, dated March 1, 1996, on the 37-40 GHz NPRM ("TIA Comments") at 22-26.

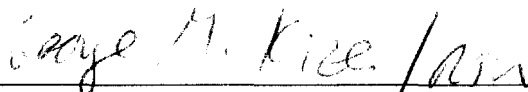
is used only for FS) and manufacturing economies of scale would be frustrated.¹⁰

In contrast, under the Commission's proposal in the CMRS Flexibility NPRM, sharing within the CMRS bands would be feasible because two different technologies would not be forced to share. Rather, superimposition of a fixed operation upon a mobile service operation can be done because, presumably, all are a part of the same communications system. The earmarking of a CMRS channel to carry out an additional function, fixed in nature, can be done without impairing the mobile service. However, superimposition of mobile operations upon a band allocated for FS creates a "mix" that will not work, and WinStar submits nothing in its Comments that prove otherwise.

For the foregoing reasons, TIA strongly urges the Commission to forego adopting any rules in WT Docket No. 96-6 that would permit flexible use of the 37-40 GHz band.

Respectfully submitted,

FIXED POINT-TO-POINT COMMUNICATIONS
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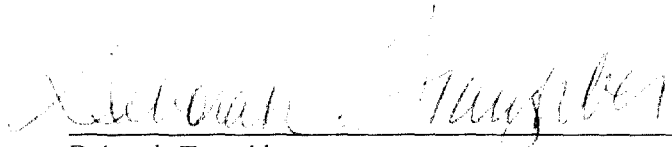
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¹⁰TIA Comments at 22-23. Among the issues that would need resolution are establishing criteria for: (i) mobile and FS power levels; (ii) FS systems using Automatic Transmitter Power Control; (iii) allowable maximum receiver threshold degradation limits for digital systems; (iv) acceptable levels of total accumulated noise for analog systems; (v) criteria for measuring interference into FS receivers from all mobile systems; and (vi) maintaining consistency with international standards. TIA Comments at 22, note 49.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply Comments will be mailed via first class mail, postage prepaid, on the 25th day of March, 1996, to:

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Date: March 22, 1996

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